

Appl. No. 09/724,857
Amdt. dated November 24, 2003
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group

PATENT

REMARKS/ARGUMENTS

1. Status of the claims

With this Amendment, claims 81 and 84 are amended. Claims 78 and 81-92 are pending with entry of this Amendment.

2. Support for the amendment to the specification

Support for the amendments to the claims can be found throughout the specification, the drawings, and the claims as originally drafted. Addition of "nucleotides 3329-3475 of SEQ ID NO:1" can be found on, e.g., lines 9-10 of page 26 of the patent application. No new matter is added by this Amendment.

3. Claim objection

The Examiner objected to claim 81 because the claim lacked a sequence identifier (SEQ ID NO:). As amended, the claim includes a sequence identifier, thereby rendering the objection moot.

4. Rejections under 35 U.S.C. § 112

The Examiner rejected the pending claims as allegedly not meeting the written description or enablement requirements. Specifically, the Examiner argued that the specification teaches a fragment from nucleotides -913 to -767 of Figure 2 instead of the fragment (-921 to -767) then claimed.

As amended, the claims refer to "nucleotides -913 to -767," thereby rendering the rejection moot. The claims further refer to the corresponding nucleotides (3329-3475) in SEQ ID NO:1 as discussed above. Accordingly, Applicants respectfully request withdrawal of the rejection.

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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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